

United States District Court
District Of Maine

Mr. Mark Ardito,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 1:21-cv-00142-JAW
)	
Solvay S.A. and)	
)	
Solvay Specialty Polymers USA,)	
LLC)	
)	
Defendants.)	

**Motions of Plaintiff's Counsel for (1) Leave to Withdraw; and
(2) to Extend all Deadlines for the Plaintiff to Obtain a New Lawyer**

Under Local Rule 83.2(b), Plaintiff's current counsel, David G. Webbert, requests leave of Court to withdraw his appearance in this action; and under Fed. R. Civ. P. 6(b), he requests that the Court extend all deadlines for the Plaintiff by 60 days, including the current deadline of June 29, 2021, to respond to Defendants' Motions to Dismiss (ECF Nos. No. 9 and 11) to August 30, 2021.¹

The reasons for this motion are as follows:

¹ Because a 60-day extension would expire on Saturday August 28, that deadline would automatically be extended to Monday August 30 under Fed. R. Civ. P. 6(a)(1)(C).

1. On February 17, 2021, Plaintiff's current counsel, David G. Webbert, filed a Notice of Limited Appearance under Me. R. Civ. P. 11(b) in Maine state court, Kennebec County Superior Court, along with a Complaint for Plaintiff.

2. Maine's Supreme Judicial Court has exercised its rulemaking authority to encourage lawyers to offer limited appearances on behalf otherwise unrepresented litigants in state court "to enlarge access to justice in Maine." Me. R. Civ. P. 11(b) (Advisory Committee's Notes July 1, 2001).

3. As authorized by Me. R. Civ. P. 11(b), Plaintiff's counsel's scope of representation in state court was limited solely for the purpose of filing Plaintiff's complaint in state court and serving his complaint on Defendants.

4. Plaintiff's complaint was served on May 11, 2021. (Defendant Solvay S.A. has contested the sufficiency of the service made on it.)

5. Defendant Solvay Specialty Polymers USA, LLC, filed a Notice of Removal to the United States District Court for the District of Maine on June 1, 2021 (ECF No. 1).

6. This Court's Local Rule 83.2(b) expressly authorizes this motion to withdraw in these circumstances:

In any case removed from state court where a lawyer has entered a limited appearance, the appearance shall be treated as a general appearance, but counsel shall have 14 days in which to move to withdraw altogether on the basis that his/her/its scope of representation was limited.

7. And it would undermine an important Maine state policy “to enlarge access to justice in Maine” if counsel who filed limited appearances in state court were compelled by this Court to remain in the case “outside the scope of the limited representation” expressly encouraged by Maine state law. Indeed, here the Plaintiff was facing a 90-day statute of limitations when Plaintiff’s counsel agreed to enter a limited appearance that was precisely limited to filing and serving the complaint.

8. Each Defendant filed a Motion to Dismiss on June 8, 2021 (ECF No. 9 and 11).

9. The current deadline for Plaintiff to respond to Defendants’ Motions to Dismiss is June 29, 2021.

10. Plaintiff needs time to seek new counsel and for new counsel to become familiar with this factually and legally complex case to adequately represent Plaintiff going forward.

11. Today Plaintiff’s current counsel will send a copy of this filing by email and US mail to Plaintiff.

Because good cause has been shown, the Court should grant these two requests and (1) grant Attorney Webbert leave of Court to withdraw his appearance in this action; and (2) extend all deadlines for Plaintiff by 60 days—including extending the deadline to respond to the pending motions to

dismiss (ECF Nos. 9 and 11) until August 30, 2021—for Plaintiff to obtain a new lawyer and for that lawyer to enter an appearance or for Plaintiff to advise the Court that he will be representing himself

Date: June 15, 2021

Respectfully submitted,

/s/ David G. Webbert
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Certificate of Service

I hereby certify that on June 15, 2021, I electronically filed this motion with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to all counsel on record. I further certify that I have sent a copy by email and US mail to the Plaintiff.

Date: June 15, 2021

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